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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,458	06/14/2001	Alex D. Little	RSW920010027US1	7542

7590 12/16/2004
Gerald R. Woods
IBM Corporation T81/503
PO Box 12195
Research Triangle Park, NC 27709

EXAMINER

BECKER, SHAWN M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,458

Applicant(s)

LITTLE ET AL.

Examiner

Shawn M. Becker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/01</u> <u>9/27/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4, 7-10, 14-17, 22-23, 25-27, and 29 are rejected under 35 U.S.C. 102(e) as being U.S. Publication No. 2002/0103897 by Rezvani et al. (hereinafter Rezvani).

Referring to claims 1, 9, 16, 25, 26, 27, and 29, Rezvani teaches a information handling system with processors, memory accessible by the processors, a nonvolatile storage area accessible by the processors, a display screen accessible by the processors, an input device capable of receiving input from a user corresponding to data displayed on the display screen (i.e. mouse), and a customizable screen refresh tool, computer program product, and method for providing customized screen refresh functions (page 1, paragraph 0004), the method comprising:

retrieving one or more customizable refresh settings (i.e. refresh time interval; page 6, paragraph 0054);

comparing the customizable refresh settings with corresponding system event data (i.e. checking if the time interval is up and if it is appropriate; page 7, paragraph 0068 – page 8, 0075); and

refreshing a display screen in response to the comparing. See page 7, paragraphs 0064-0067.

Referring to claims 2, 10, 17, and back to 26, Rezvani teaches that the customizable refresh settings correspond with a first refresh mode (i.e. first refresh interval), the method further comprising:

changing from the first refresh mode (i.e. mode corresponding to a first interval) to a second refresh mode (mode corresponding to a second interval) in response to the comparing, wherein the changing includes retrieving one or more second customizable refresh corresponding to the second refresh mode (i.e. refreshing the screen based on the second interval). See page 7, paragraph 0066.

Referring to claims 4 and 19, at least one of the customizable refresh settings of Rezvani is waiting for a time interval (page 7, paragraph 0064).

Referring to claims 7, 14, and 22, Rezvani teaches requesting refresh data from a server (remote site; Fig. 1, 14) in response to the comparing; and

receiving the refresh data from the server, wherein the refreshing includes displaying the refresh data on the display screen. See page 6, paragraph 0053 – 0056.

Referring to claims 8, 15, 23, back to 25, back to 27, and back to 29, Rezvani teaches receiving one or more refresh setting values from a user (i.e. user pattern), each of the refresh setting values corresponding to at least one of the customizable refresh settings (i.e. refresh intervals); and

storing the refresh setting values. See page 8, paragraph 0073.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5-6, 11-13, 18, 20-21, 24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani and U.S. Publication No. 2001/0032175 to Holden et al. (hereinafter Holden).

Referring to claims 24 and 28, Rezvani teaches a information handling system with processors, memory accessible by the processors, a nonvolatile storage area accessible by the processors, a display screen accessible by the processors, an input device capable of receiving input from a user corresponding to data displayed on the display screen (i.e. mouse), and a customizable screen refresh tool, computer program product, and method for providing customized screen refresh functions (page 1, paragraph 0004), the method comprising:

retrieving one or more customizable refresh settings (i.e. refresh time interval; page 6, paragraph 0054);

comparing the customizable refresh settings with corresponding system event data (i.e. checking if the time interval is up and if it is appropriate; page 7, paragraph 0068 – page 8, 0075); and

refreshing a display screen in response to the comparing. See page 7, paragraphs 0064-0067.

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Referring to claims 3, 5, 11-12, 18, 20, back to 24, and back to 28, while Rezvani teaches multiple refresh modes (i.e. multiple refresh intervals) and displaying icons (i.e. col. 5, paragraph 0042), Rezvani does not explicitly teach displaying a first refresh icon on the display screen corresponding to the first refresh mode or displaying a second refresh icon on the display screen corresponding to the second refresh mode in response to the changing (invoking a refresh mode). However, Holden teaches a method of providing several refresh modes similar to Rezvani (i.e. Manual, Every 30 secs, Every 1 min) in which a first icon is displayed corresponding to the first refresh mode (i.e. Fig. 4a, 415; Manual is underlined) and a second refresh icon when the refresh mode changes to the second refresh mode (i.e. underlining Every 30 secs). See Holden at page 5, paragraph 066. It would have been obvious to one of ordinary skill in the art to display a refresh icon corresponding to the selected refresh mode as shown in Holden in the variable refresh method of Rezvani in order to show the user which refresh interval is active.

Referring to claims 6, 13, and 21, the refresh modes of Rezvani are automatic. See page 1, paragraph 0004.

Conclusion

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach methods of selecting refresh modes and intervals.

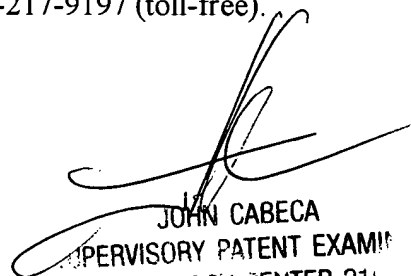
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is (571) 272-4046. The examiner can normally be reached on M-F 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb



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